

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CLAYTON THOMAS KIRKEY,

11 v.
12 Petitioner,

13 STATE OF WASHINGTON,

14 Respondent.

CASE NO. C19-1974-JCC

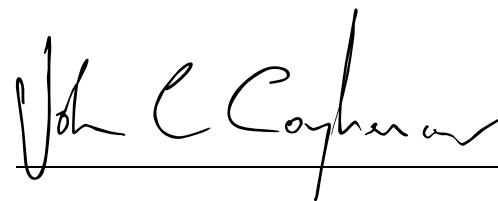
ORDER

15 This matter comes before the Court on the report and recommendation of the Honorable
16 Michelle L. Peterson, United States Magistrate Judge (Dkt. No. 6). Petitioner filed a proposed
17 *habeas* petition without paying the filing fee. (*See* Dkt. No. 2 at 1.) On December 3, 2019, the
18 Clerk notified Petitioner that he must either pay the filing fee required by 28 U.S.C. § 1914 or
19 apply to proceed *in forma pauperis*. (Dkt. No. 5 at 1.) The Clerk warned Petitioner that if he did
20 not respond to the letter by January 2, 2020, the Court might dismiss his action. (*Id.*) Petitioner
21 never paid the filing fee or applied to proceed *in forma pauperis*. Judge Peterson therefore
22 recommends that the Court dismiss this action. The Court agrees with Judge Peterson's
23 recommendation. Accordingly, the Court ORDERS as follows:

24 1. The report and recommendation (Dkt. No. 6) is ADOPTED;
25 2. This action is DISMISSED without prejudice; and
26 3. The Clerk is DIRECTED to send a copy of this order to Petitioner and Judge

1 Peterson.
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DATED this 2nd day of March 2020.



John C. Coughenour
UNITED STATES DISTRICT JUDGE